

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 040301/0229

In re patent application of

Syuichi SEKINE, *et al.*

Serial No. **Not Yet Assigned**

**Application for Reissue of U.S. Patent No. 5,936,583,
Granted August 10, 1999**

Filed: **August 9, 2001**

For: **PORTABLE RADIO COMMUNICATION DEVICE WITH WIDE BANDWIDTH
AND IMPROVED ANTENNA RADIATION EFFICIENCY**

BROADENING REISSUE DECLARATION UNDER 37 C.F.R. §1.175

Commissioner for Patents
Washington, DC 20231

Sir:

We, Syuichi SEKINE, Minoru SAKURAI, Tadahiko MAEDA, Yasuo SUZUKI,
and Syuichi OBAYASHI declare that:

1. Our residence, post office address and citizenship are stated below next to
our names.

2. We believe that we are the original, first and joint inventors of the subject
matter which is described and claimed in patent number 5,936,583, granted August 10,
1999.

3. We have reviewed and understand the contents of the subject matter described and claimed in U.S. Patent No. 5,936,583 and in the foregoing specification for which a reissue patent is sought on the invention entitled PORTABLE RADIO COMMUNICATION DEVICE WITH WIDE BANDWIDTH AND IMPROVED ANTENNA RADIATION EFFICIENCY as well as any claims amended by any amendment specifically referred to in this Broadening Reissue Declaration and any new claims added as specifically referred to in this Broadening Reissue Declaration.

4. We acknowledge the duty to disclose information which is material to examination of the application in accordance with 37 C.F.R. § 1.56(a).

5. We claim benefit under 35 U.S.C. § 119 of Japanese Application No. 4-260938, filed September 30, 1992 and Japanese Application No. 5-096990, filed March 31, 1993, a certified copy of each which is of record in the file of the undersigned's original Letters Patent 5,936,583.

6. There are no foreign applications or inventor's certificates having a filing date before that of the application on which priority is claimed.

7. We believe U.S. Patent No. 5,936,583 ("the '583 patent") is wholly or partly inoperative or invalid by reasons of my claiming less than we had the right to claim in the patent.

8. The '583 patent failed to include claims that specifically recite two additional and different radio communication devices with a pivotable device casing that is pivotably connected to a main device casing, in combination with the other features recited in claims 3-16. Although these embodiments were described in the '583 patent in relation to a preferred embodiment of the invention, no claim of the '583 patent was directed specifically to such embodiment. The failure to include any claim directed to this embodiment resulted in an error of claiming less than we were entitled to claim in the patent, thereby rendering

the patent wholly or partly inoperative or invalid. The addition of claims 3-16 corrects this error.

9. The specific error is the absence of claims having a breadth and scope as follows:

(Reissue independent claim 3) A radio communication device, comprising:
a main device casing that includes a microphone disposed thereon; an antenna mounted to the main device casing; and a pivotable device casing that is pivotably connected to the main device casing, wherein the pivotable device casing includes a speaker, and wherein the pivotable device is configured to be pivoted away from the main device casing so that a user's head is positioned at least a predetermined distance away from the antenna when the user's head is positioned against the pivotable device casing.

(Reissue dependent claim 4) The radio communication device as claimed in claim 3, further comprising:
a pivotable mechanism that pivotably connects the pivotable device casing and the main device casing.

(Reissue dependent claim 5) The radio communication device as claimed in claim 4, wherein the pivotable mechanism extends outward from an exterior surface of the main device casing.

(Reissue dependent claim 6) The radio communication device as claimed in claim 5, wherein the exterior surface of the main device casing includes the microphone on the lower half of the main device casing.

(Reissue dependent claim 7) The radio communication device as claimed in claim 4, wherein the pivotable mechanism is disposed between the main device casing and the pivotable device.

(Reissue dependent claim 8) The radio communication device as claimed in claim 3, wherein the main device casing has a substantially rectangular shape.

(Reissue dependent claim 9) The radio communication device as claimed in claim 3, wherein the main device casing has a first portion and a second portion, and wherein the second portion has a greater thickness than the first portion.

(Reissue dependent claim 10) The radio communication device as claimed in claim 9 further comprising:

a pivotable mechanism that pivotably connects the pivotable device casing and the main device casing, wherein the pivotable mechanism is located at the intersection of the first portion and the second portion of the main device casing.

(Reissue dependent claim 11) The radio communication device as claimed in claim 10, wherein the thickness of the first portion of the main device casing is approximately one half the thickness of the second portion of the main device casing.

(Reissue dependent claim 12) The radio communication device as claimed in claim 11, wherein the thickness of the pivotable device casing is approximately one half the thickness of the second portion of the main device casing.

(Reissue dependent claim 13) The radio communication device as claimed in claim 12, wherein when the pivotable device casing and the main device casing are placed against each other, the shape of the radio communication device is substantially rectangular.

(Reissue dependent claim 14) A radio communication device as claimed in claim 3, wherein a first radiation field of the antenna that is incident on the user's head is less than a second radiation field of the antenna that is incident on the user's head, wherein the first radiation field of the antenna corresponds to a condition when the main device casing is pivoted further away from the pivotable device casing than a condition corresponding to

12. By this reissue declaration, the undersigned desire to seek broadened claims and, specifically, to submit new claims for broadening reissue as submitted in the reissue application herewith.

WHEREFORE, the undersigned petitioners pray that they may be allowed to surrender original Letters Patent 5,936,583 and do hereby offer same.

The undersigned petitioners hereby appoint:

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as the undersigned's petitioner's attorneys, with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith, and request that all correspondence be sent to FOLEY & LARDNER, 3000 K Street, NW, Suite 500, Washington, DC 20007-5109, (202) 672-5300.

The undersigned petitioners declare that all statements made herein of the undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor has sold and assigned, and by these presents hereby sells and assigns, unto

name and
address of
assignee

KABUSHIKI KAISHA TOSHIBA
72 Horikawa-cho, Saiwai-ku,
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(hereinafter ASSIGNEE) all right, title and interest for the United States, its territories and possessions in and to his invention relating to

title of
invention

PORTABLE RADIO COMMUNICATION DEVICE WITH WIDE BANDWIDTH AND IMPROVED
ANTENNA RADIATION EFFICIENCY

as set forth in his United States Patent Application

check one

☐ executed concurrently herewith

☐ executed on _____

☒ Serial No. 08/128,696

Filed September 30, 1993

in and to said United States Patent Application including any and all divisions or continuations thereof and in and to any and all Letters Patent of the United States which may issue on any such application or for said invention, including any and all reissues or extensions thereof, to be held and enjoyed by said ASSIGNEE, its successors, legal representatives and assigns to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by the undersigned had this Assignment not been made;

Each of the undersigned hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any and all such Letters Patent to said ASSIGNEE, its successors or assigns in accordance herewith;

Each of the undersigned warrants and covenants that he has the full and unencumbered right to sell and assign the interests herein sold and assigned and that he has not executed and will not execute any document or instrument in conflict herewith;

Each of the undersigned further covenants and agrees he will communicate to said ASSIGNEE, its successors, legal representatives or assigns all information known to him relating to said invention or patent application and that he will execute and deliver any papers, make all rightful oaths, testify in any legal proceedings and perform all other lawful acts deemed necessary or desirable by said ASSIGNEE, its successors, legal representatives or assigns to perfect title to said invention, to said application including divisions and continuations thereof and to any and all Letters Patent which may be granted therefor or thereon, including reissues or extensions, in said ASSIGNEE, its successors, or assigns or to assist said ASSIGNEE, its successors, legal representatives or assigns in obtaining, reissuing or enforcing Letters Patent of the United States for said invention;

Each of the undersigned hereby grants the firm of **FOLEY & LARDNER** the power to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

NAMES AND SIGNATURES OF INVENTORS		
Name: Syuichi SEKINE	Signature: <i>Syuichi Sekine</i>	Date: 20/10/1993
Name: Minoru SAKURAI	Signature: <i>Minoru Sakurai</i>	Date: 20/10/1993
Name: Tadahiko MAEDA	Signature: <i>Tadahiko Maeda</i>	Date: 20/10/1993
Name: Yasuo SUZUKI	Signature: <i>Yasuo Suzuki</i>	Date: 20/10/1993
NAMES AND SIGNATURES OF WITNESSES		
Name:	Signature:	Date:
Name:	Signature:	Date:

Note: *Prima facie* evidence of execution may optionally be obtained by execution of this document before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.

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names and
signatures
of inventors

Syuichi Obayashi date 20/10/1993 _____ date _____
Name: Syuichi OBAYASHI Name: _____

_____ date _____ date _____
Name: _____ Name: _____

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Name: _____ Name: _____

names and
signatures
of witnesses

_____ date _____ date _____
Name: _____ Name: _____

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